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A circular stamp from the Office of Intellectual Property (OIPE). The text "OIPE" is at the top, "JUL 31 2003" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom. To the right of the stamp, the text "JC139" and "00" are visible.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

TOSHIO SAKURAI

Application No.: 09/715,109

Filed: November 20, 2000

For: **PRINTER AND CONTROL
METHOD THEREFOR**

Examiner: V. Nguyen Technology Center 2100

Group Art Unit: 2126

#4

July 30, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION
OF INFORMATION DISCLOSURE STATEMENT
AND FOR INITIALED FORM PTO-1449

Sir:

An Information Disclosure Statement was filed in the subject application on November 20, 2000 which cited the art of record in parent Application No. 09/301,581.

The Form PTO-1449 which accompanied the November 20, 2000 Information Disclosure Statement listed JP 9-272233 and JP 9-267538, both of which were originally cited by the Examiner in an Office Action dated March 3, 2000 in parent Application No. 09/301,581. A copy of the Form PTO-892 which accompanied the March 3, 2000 Office Action is enclosed. The Form PTO-1449 which accompanied the November 20, 2000 Information Disclosure Statement was returned by the Examiner with the recent July 2, 2003 Office Action in the subject application, and had the two

aforementioned Japanese references crossed out. The Examiner stated in the July 2, 2003 Office Action that the two aforementioned Japanese references were not considered because a precise explanation of relevance was not provided for them, as allegedly required by 37 C.F.R. § 1.98(a)(3).

Applicant respectfully submits that Applicant was not required to submit a concise explanation of relevance for the two aforementioned Japanese references in the November 20, 2000 Information Disclosure Statement for several reasons. First and foremost, the two aforementioned Japanese references were originally cited by the Examiner in parent Application No. 09/301,581 for reasons known to that Examiner, and it would be improper for Applicant to guess the reasons why that Examiner found the two Japanese references relevant to the subject application. Second, Section 609(I)(A)(2) of the M.P.E.P. states that “an Examiner will consider information which has been considered by the Office in a parent application when examining ... (B) a divisional application filed under 37 CFR 1.53(b) Such information need not be resubmitted in the continuing application”. M.P.E.P. § 609(I)(A)(2).

Accordingly, in view of the fact that the Office, and not the Applicant, originally cited JP 9-272233 and JP 9-267538 as being relevant to the subject application, and that the Examiner should consider the information previously cited in the parent application, Applicant respectfully submits that JP 9-272233 and JP 9-267538 should have been considered and made formally of record by the Examiner when reviewing the November 20, 2000 Information Disclosure Statement. In this regard, English-language abstracts for JP 9-272233 and JP 9-267538 are also enclosed for the Examiner's convenience.

Based on the foregoing, Applicant requests that JP 9-272233 and JP 9-267538 be considered and made formally of record in the subject application. In addition, Applicant requests that the Examiner initial the enclosed Form PTO-1449, which originally accompanied the November 20, 2000 Information Disclosure Statement, in order to indicate that JP 9-272233 and JP 9-267538 have been considered and made formally of record.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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